

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION



TUITIONFUND, LLC,	§	
	§	
<i>Plaintiff</i>	§	
	§	
v.	§	CASE NO.: 3:11-cv-00069
	§	JURY DEMAND
SUNTRUST BANKS, INC.;	§	
SUNTRUST BANK;	§	
REGIONS FINANCIAL CORPORATION;	§	
REGIONS BANK;	§	DISTRICT JUDGE TRAUGER
VESDIA CORPORATION;	§	
CARTERA COMMERCE, INC.;	§	MAGISTRATE JUDGE BRYANT
CARDLYTICS, INC.,	§	
	§	
<i>Defendants</i>	§	
	§	
	§	

**REGIONS FINANCIAL CORP., REGIONS BANK, AND CARDLYTICS, INC.’S
MOTION TO PERMIT FILING OF CONTEMPORANEOUS
PARTIAL MOTION TO DISMISS**

Contemporaneous with the filing of this Motion for Permission, Defendants Regions Financial Corp., Regions Bank, and Cardlytics, Inc. (collectively, “Cardlytics Defendants”) have filed a Motion to Dismiss the allegations of Plaintiff TuitionFund, LLC (“TuitionFund”) that the Cardlytics Defendants infringe U.S. Patent No. 7,499,872 (“the ‘872 patent”). While not technically a Motion for Summary Judgment, Defendants are filing this instant motion to comply with the Court's standard Initial Case Management Order provision as the effect of the instant Motion to Dismiss is the same as that for Partial Summary Judgment. As such, grounds that exist in support of the Motion for Summary Judgment are set out below, to wit:

The ‘872 patent is one of two patents asserted in this case (*see generally* TuitionFund’s Complaint, Dkt. No. 1). Early partial dismissal of TuitionFund’s claims is warranted to relieve the burden on this Court of hearing claims for which there is no cognizable basis of infringement